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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,727	02/11/2002	Andrew Arthur Hunter	30005967-2	7604

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, TAI T

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,727

Applicant(s)

HUNTER ET AL.

Examiner

Tai T. Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 68-77 is/are allowed.
- 6) ☒ Claim(s) 27-38, 56, 58-63, 66 and 67 is/are rejected.
- 7) ☒ Claim(s) 39-55, 57, 64 and 65 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 5, lines 16-17 and 19, "warning device 32" should read as ----warning device 34----.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 27-33, 36, 58-59, and 61-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Everett, Jr. et al. (US 4,857,912).

Regarding claim 27, Everett, Jr. et al. disclose a detection system (figure 1) for detecting the presence of an image capture device (80) in the vicinity of a person, the detection system comprising an indicator unit in the form of a transceiver (96) installed in or on the image capture device (figure 1) being configured to emit an indicator signal to the person to indicate the presence of the image capture device in the vicinity of the person (col. 10, lines 30-46).

Regarding claim 28, Everett, Jr. et al. disclose the indicator unit emitting the indicator signal in response to an external stimulus (col. 10, lines 30-46).

Regarding claim 29, Everett, Jr. et al. disclose the image capture device including at least one sensor (12, 14, 16, 18, 20, 30, 78, 84; figure 1) arranged to sense an external stimulus.

Regarding claim 30, Everett, Jr. et al. disclose the use of an acoustic sensor (84) used with the detection system (figure 1).

Regarding claim 31, Everett, Jr. et al. disclose the use of an motion detector (16) used with the detection system (figure 1).

Regarding claim 32, Everett, Jr. et al. further disclose a remote detection unit (figure 1) having a radio transceiver (102), wherein the sensor of the image capture device being a radio receiver (96) arranged to receive a query signal transmitted by the radio transmitter of the remote detection unit when the remote detection unit is within a predetermined range of the image capture device (col. 10, lines 30-62).

Regarding claim 33, Everett, Jr. et al. further disclose the indicator unit being a warning device (col. 6, lines 1-29) and the indicator signal being an alarm signal (103, figure 1).

Regarding claim 36, Everett, Jr. et al. disclose the indicator unit being a radio transmitter and the indicator signal being a radio signal (figure 1).

Regarding claims 58-59, Everett, Jr. et al. disclose the image capture device being a video camera (80).

Regarding claim 61-63, the claimed method steps are inherent in the product structure.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 34-35, 37-38, 60, and 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Everett, Jr. et al. (US 4,857,912).

Regarding claims 34-35, Everett, Jr. et al. disclose the alarm signal (103) being provided by the detection system. Everett, Jr. et al. disclose the instant claimed invention except for the alarm signal specifically being an audible or visual signal. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the alarm signal could have been visual/audible depending on the operating environment and necessary alert required in order to indicate the alarm condition.

Regarding claim 37, Everett, Jr. et al. disclose the instant claimed invention except for the radio transmitter being arranged to transmit periodic radio signals. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use periodic signals with the radio transmitter in order to prevent overlap and reduce power consumption.

Regarding claim 38, Everett, Jr. et al. disclose the instant claimed invention except for the radio transmitter being arranged to transmit continuous radio signals. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use continuous signals with the radio transmitter in order to provide constant monitoring.

Regarding claim 60, Everett, Jr. et al. disclose the instant claimed invention except for the explicit disclosure of the device being used in a public area. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the device in a public area in order to detect people in the area.

Regarding claims 66-67, the claimed method steps would have been necessitated by the product structure.

6. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Everett, Jr. et al. in view of Schieke et al. (US 2002/0075134).

Regarding claim 56, Everett, Jr. et al. disclose the instant claimed invention except for the transceiver/transmitter using infrared transmissions. Schieke et al. teach the use of infrared transmission between an electronic device and base station (paragraph 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use infrared transmissions for the device of Everett, Jr. et al. for the purpose of reducing spurious transmissions.

Allowable Subject Matter

7. Claims 39-55, 57, and 64-65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 68-77 are allowed.

Response to Arguments

9. Applicant's arguments with respect to claims 27-77 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (703) 308-0160. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tai T. Nguyen', with a long horizontal flourish extending to the right.

June 12, 2004
Tai T. Nguyen
Examiner
Art Unit 2632